

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3710 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

and

Hon'ble MR.JUSTICE C.K.BUCH

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

THAKORBHAI GOVINDBHAI PATEL SINCE DECEASED THROUGH HEIRS

Versus

DEPUTY COLLECTOR

Appearance:

MR YN OZA for Petitioners

MR KG SHETH for Respondent Nos. 1, 2

CORAM : MR.JUSTICE M.H.KADRI

and

MR.JUSTICE C.K.BUCH

Date of decision: 28/03/2000

ORAL JUDGEMENT (PER : M.H.KADRI, J)

By filing this petition under Article 226 of the

Constitution of India, the petitioners have challenged the acquisition proceedings with regard to their acquired lands situated at village Gorgam, Taluka & District : Valsad. When the petition was placed for admission on 2nd

September, 1983, the following order was passed by the Division Bench :-

"Rule. Interim relief against making of the award and taking of possession. "

In view of the affidavit-in-reply filed by the Land Acq. Officer, the Division Bench, on 27th October, 1994, passed the following order:-

" A few days before when the matter was called out, the learned advocate for the petitioners was absent. Today also, when the matter is called out, he is absent.

In paragraph 9 of the affidavit-in-reply, it is stated as under:-

" I say that the proceedings under the Land Acquisition Act are legal and proper. The allegation made by the petitioner are wrong and baseless. I say that except the petitioner, other farmers have voluntarily handed over their lands and a road is also constructed thereon. Now only petitioner's land of about 600 feet in length is to be obtained."

The aforesaid facts are not denied by the petitioners by filing any rejoinder.

In this view of the matter, the interim relief is vacated. "

Learned counsel for the petitioners has stated that as the interim relief was vacated, the petition has become infructuous and hence it may be disposed of accordingly. Therefore, on the submission made by the learned counsel for the petitioners, this petition stands disposed of as having become infructuous. Liberty is reserved to the petitioner to move the Court as and when circumstances of the case so required.

Rule is discharged. No order as to costs.

28.3.2000 [M.H. KADRI, J]

[C.K. BUCH, J]

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